

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BARBARA JOHNSON, <i>et al.</i> ,)	
)	
Plaintiffs,)	
v.)	No. 24-00174-CV-W-BP
)	
GOVERNOR MICHAEL L. PARSON, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On June 13, 2024, the Court informed the parties that the son of an attorney representing a party in this case is serving as an unpaid intern in the undersigned's chambers for approximately eight weeks this summer. The Court assured the parties that the intern will not be involved with this case in any manner, nor will the case be discussed in his presence. While the Court did not believe recusal was necessary, *see, e.g., United States v. Ruff*, 472 F.3d 1044, 1045-46 (8th Cir. 2007) (finding that, although a law clerk previously handled the defendant's prosecution, the judge was not required to recuse because the law clerk was screened from the case and was absent from chambers on the day of sentencing); *Trammel v. Simmons First Bank of Searcy*, 345 F.3d 611, 612-13 (8th Cir. 2003) (holding that a judge was not required to recuse when a law clerk was friends with the president of the defendant bank, as the judge did not have a personal relationship with the president and the law clerk had not been, and would not be, involved in the case), it provided the parties with an opportunity to anonymously suggest the undersigned recuse. None did, and the time for responding has passed. As a result, the case will proceed.

While the process was being conducted, additional filings occurred, and some filing deadlines expired. Consequently, the Court finds it appropriate to rule on some pending matters and reset certain deadlines. The following Motions are pending in this case:

- Motion to Dismiss filed by Defendants Governor Michael L. Parson; Attorney General Andrew Bailey; and Secretary of State Jay Ashcroft, (Doc. 16);
- Motion to Dismiss filed by Defendants the Kansas City Board of Commissioners and its members, (Doc. 18);
- Plaintiffs' Motion for Preliminary Injunction, (Doc. 21);
- Plaintiffs' Motion for Extension of Time to File Responses to Motions to Dismiss, (Doc. 25); and
- Plaintiffs' Motion for Leave to File Second Amended Complaint, (Doc. 28.)

As mentioned above, filing deadlines for some of these Motions have expired. Additionally, Plaintiffs' proposed Second Amended Complaint alters the case's parties, includes new allegations, and advances additional claims. (*Compare* Doc. 11 *with* Doc. 28-1.) Thus, if Plaintiffs are permitted to file it, some (if not all) of the previously filed Motions will be impacted.

In light of these circumstances, the Court **ORDERS** as follows. First, briefing of Plaintiff's Motion for Leave to File Second Amended Complaint, (Doc. 28), will proceed as currently scheduled. Second, briefing deadlines for the pending Motions to Dismiss, (Docs. 16, 18), are **STAYED** and will be reset (if necessary) once the Court rules on Plaintiff's Motion for Leave to File Second Amended Complaint. Consequently, Plaintiff's Motion for Extension of Time to File Responses to Motions to Dismiss, (Doc. 25), is **DENIED AS MOOT**. Third, and finally, the Court requires Plaintiffs' feedback with respect to their Motion for Preliminary Injunction. (Doc. 21.) Given the nature of the request, Plaintiffs may wish to proceed on the Motion as currently filed. If they are permitted to file their Second Amended Complaint, however, they may wish to incorporate the additional claims into their request (in which case the current Motion should be denied as moot without prejudice to Plaintiffs' right to file a new Motion). Within 7 days, Plaintiffs

shall inform the Court whether they wish to proceed on the Motion for Preliminary Injunction as currently filed or whether briefing of the Motion should also be stayed until the Court rules on Plaintiffs' Motion for Leave to File Second Amended Complaint. Once Plaintiffs respond, the Court will determine how to proceed.

IT IS SO ORDERED.

DATE: July 2, 2024

/s/ Beth Phillips
BETH PHILLIPS, CHIEF JUDGE
UNITED STATES DISTRICT COURT